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Before the  
Federal Communications Commission  
Washington, DC 20554

SEP - 2 1994

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) RM-  
Table of Allotments, )  
FM Broadcast Stations. )  
 )  
(Maroa, Forsyth, Illinois) )

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

To: Mass Media Bureau (Policy & Rules)

Petition for Rule Making

Maroa Broadcasters, L.P., ("MBLP") by its attorney, respectfully petitions for rule making to amend Section 73.202(b) of the Commission's rules as follows.

MBLP is the permittee of unbuilt FM station WDKR on Channel 297A at Maroa, Illinois (File No. BPH-920806MC) ("WDKR"). The Commission is requested to reallocate Channel 297A from Maroa, Illinois, to Forsyth, Illinois, and to modify the WDKR construction permit to specify Forsyth as the station's city of license. In support thereof, the following is shown.

This petition is filed pursuant to Section 1.420(i) of the rules to specify a new city of license for WDKR. Accordingly, since this proposal is mutually exclusive with MBLP's present assignment, no competing expressions of interest to the Forsyth allotment will be permitted and WDKR will not risk the loss of its authorization to competing applicants.

Forsyth is an incorporated community located on U.S. Highway 51 approximately one-half mile north of Interstate Highway 72 in Macon County. Its population, according to 1980 Census figures,

OK 4  
MMB

was 1,072. The 1990 Census shows a population of 1,275. A special census taken in 1993 reveals a population of 1,926. This reflects roughly 16% population growth from 1980 to 1990 and over a 50% increase from 1990 to 1993. In the last 12 months there were 21 building permits issued in Forsyth for new home construction.

Forsyth has its own post office and zip code: 62535. It is home to the Forsyth Public Library, an elementary school, a recreation park, four motels, three auto dealerships, eight restaurants (two still under construction), a multi-plex movie theater, and the Hickory Point Mall with more than 70 retail outlets under one roof. 1993 sales figures from the more than 100 retail outlets in Forsyth totalled \$154,017,600.

Exhibit 1 to this petition contains excerpts from a community newsletter and the rules for the local recreation park. The newsletter describes activities of Forsyth residents and has a roster of local government meetings and events. Clearly, the residents of Forsyth consider themselves to be a distinct community.

There is no broadcast facility currently licensed to Forsyth. This rule making will provide the first local service there and will better serve the public interest and the Commission's allotment goals than the present Maroa allotment.

Maroa has a declining population, does not have a sufficient economic base to sustain its own broadcast station and does not demonstrate the same growth potential as Forsyth. U.S. Census figures show that the 1980 Maroa population was 1,760, while the 1990 population was 1,602. This represents roughly a 9% population

decrease over ten years and is in sharp contrast to Forsyth's population growth. In the last 12 months there were 8 building permits issued in Maroa for new home construction, roughly 38% of the number issued in Forsyth during the same period. 1993 sales figures from the roughly 35 retail outlets in Maroa totalled \$3,470,000, which does not compare with the sales figures generated in Forsyth.

Reallotting Channel 297 to Forsyth will not deprive Maroa of an "existing service." The Commission recognized at paragraph 19 and footnote 16 of its Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, (1989) recon, granted in part, 5 FCC Rcd 7094 (1990) that for purposes of changing a community of license, the phrase "existing service," excludes bare construction permits. See, also, Farmington and Gallup, New Mexico, 7 FCC Rcd 2382, (Mass Med. Bur. 1992). WDKR is an unbuilt station.

As shown above, Maroa lacks sufficient economic base and the growth needed to support a new Class A FM station in today's competitive marketplace. The public interest will be better served by reallotting Channel 297A to Forsyth. WDKR will then be licensed to serve the needs and interests of the residents of a strong, growing community more likely to generate the revenue needed to support continued program operations on a fledgling local station.

MBLP proposes no change in the established Channel 297A reference coordinates: 39° 57' 56", 89° 03' 27". As these coordinates are currently reserved by WDKR's granted CP, the

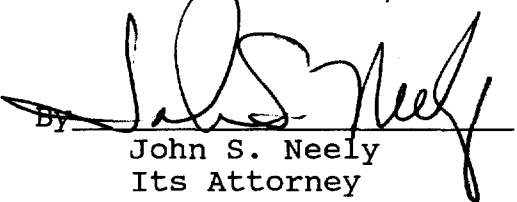
Commission has already determined that Channel 297A meets all necessary spacing requirements from this location. In addition, Exhibit 2 to this petition is a map copied from the WDKR CP application (File No. BPH-920806MC). This map shows the Channel 297 reference coordinates as well as WDKR's 3.16 mV/m and 1 mV/m predicted contours from the same location. Forsyth is wholly within the Channel 297A's city-grade coverage contour. Other than changing the allotment community, no other changes are required to the FM Table of Allotments.

WDKR will promptly apply to modify its construction permit to reflect the new community upon favorable Commission action on this petition, and will promptly construct the new facilities upon grant of the application.

In view of the above, the Commission should amend Section 73.202(b) as follows:

<u>CITY</u>	<u>CURRENT</u>	<u>PROPOSED</u>
MAROA, ILLINOIS	297A	----
FORSYTH, ILLINOIS	----	297A

Respectfully Submitted,  
MAROA BROADCASTERS, L.P.

BY   
John S. Neely  
Its Attorney

September 2, 1994

Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033

# Community Calendar

## August

- 1 Village Board  
7:30 p.m., Village Hall
- 4 Forsyth Grade School registration  
Last name beginning A-M  
9 a.m. to noon; 1 to 3 p.m.
- 5 Forsyth Grade School registration  
Last name beginning N-Z  
9 a.m. to noon; 1 to 3 p.m.
- 8 Water & Sewer Committee  
5 p.m., Village Hall  
Health, Safety & Administration  
7 p.m., Village Hall
- 9 Finance Committee  
7 p.m., Village Hall
- 10 Library Commission  
4:30 p.m., Library
- 16 Maroa-Forsyth J.H. registration  
Grade 7 register 9 to 11:30 a.m.,  
J.H. Office

- Grade 8-12:30 to 3 p.m.,  
J.H. Office
- Maroa-Forsyth H.S. registration  
Grades 9 & 10 register 9 to  
11:30 a.m., H.S. Office
- Grades 11 & 12 register 12:30 to  
3 p.m., H.S. Office
- 18 Park Committee  
7 p.m., Village Hall
- 22 Planning & Zoning Committee  
7:30 p.m., Village Hall
- 25 Streets & Maintenance committee  
6 p.m., Village Hall

## September

- 6 Village Board  
7:30 p.m., Village Hall
- 12 Water & Sewer Committee  
5 p.m., Village Hall  
Health, Safety & Administration  
Committee  
7 p.m., Village Hall
- 13 Finance Committee  
7 p.m., Village Hall
- 14 Library Commission  
4:30 p.m., Library
- 15 Park Committee  
7 p.m., Village Hall
- 22 Streets & Maintenance  
Committee  
6 p.m., Village Hall
- 26 Planning & Zoning Committee  
7:30 p.m., Village Hall



**FORSYTH**

268 S. Elwood  
P.O. Box 20  
Forsyth, IL 62535

Bulk Rate  
U.S. Postage

**PAID**

Forsyth, Illinois  
Permit No. 10

# Events tailored to all ages

## Investment 101

Tax Advantage Investing will return at 7 p.m. Wednesday, Feb. 23 with a new instructor, James R. Livasy, Investment Executive with Stifel, Nicolaus and Company. Mr. Livasy has been in the business for more than 10 years, specializing in financial planning, mutual funds and growth stocks. He will be available to answer your questions in the Forsyth Community Room, adjacent to the Library. This program is free and open to the general public. Call Jennie Alexander at 877-8174 for more information.

## Internal Revenue Tax Workshop

A representative from the Internal Revenue Service will be in the Forsyth Community Room from 10 a.m. to noon on Saturday, Feb. 12 to answer your questions about income taxes. Bring your paperwork and your questions along with you. In addition, you can pick up most tax forms from the Library.

## Toddler Storytimes

Calling all 18- to 35-month-old children and their parents! Please join us for six

weeks of bear activities. Join us 30 minutes a week as we listen to stories, sing songs, play games and make crafts with a bear theme. The sessions start at 10 a.m., Wednesday, Jan. 19 and conclude on Feb. 23. Preregistration is necessary by Monday, Jan. 17. Call 877-8174.

## Preschool Storytimes

All three- to five-year-olds are invited to join us as we read about bears. Listen to stories, sing songs, play games and make crafts with a bear theme. There will be two six-week sessions. Tuesday sessions will begin at 10 a.m. on Jan. 18. Thursday sessions will begin at 7 p.m. on Jan. 20. Registration is limited to 15 children per session. Call 877-8174 by Monday, Jan. 17 to enroll your child.

## Just a reminder

Federal and state tax forms are available in the Library. Most are free but others require a copying cost.

Library hours are--

- Monday and Tuesday: 9 a.m. to 8 p.m.
- Wednesday, Friday, and Saturday: 9 a.m. to 1 p.m.
- Thursday: 1 p.m. to 8 p.m. •

# Committee sets goals

by Scott Spriggs, Trustee

The purpose of the Water and Sewer Committee is to conduct in-depth studies on Forsyth's water and sewer systems. We take this information and suggestions to the Village Board whose six members can make better decisions based on our research. Through our comprehensive studies, we provide the board with valuable information and save them from having to conduct the time consuming studies.

Some of our goals include:

- developing new water supplies
- expansion of the Water Plant
- a new elevated water tower.

I hope our Village appreciates the men and women who volunteer their time to all of our committees. They give many unselfish hours with no pay and no glory, to give the Village trustees valuable input. Why? Pride and progress.

## Scheduled meetings:

5 p.m. on the second Monday of each month in the Village Hall

## Committee members:

Gregory Brown, Virgil Hobbs, George Justice and Ron Stump •

# Your input needed for community publication

## Submit Village Voice suggestions with ease

To submit information for the Village Voice, simply complete this form and mail or deliver to the Forsyth Village Hall or Library. Additional forms can be picked up at either location.

✂

Organization name:	_____
Contact person and phone number:	_____
Name of event, meeting or activity:	_____
Date:	_____
Time:	_____
Place:	_____
Additional information:	_____



## VILLAGE OF FORSYTH

### PARK RULES

Forsyth, Illinois

#### Forsyth - Parks and Recreation

##### Camping

95.100 Camping in park .....	17
95.101 Sleeping in park .....	17

##### Games and Sports

95.115 Designated areas; conformance to rules and regulations .....	17
95.116 Golf .....	17
95.117 Archery .....	17
95.118 Snowmobiles .....	18
95.119 Power model and toy engine permit required .....	18

##### Picnics; Permits and Reservations; Fees

95.130 Picnics .....	18
95.131 Permits and reservations required .....	18
95.132 Permit fees and rental facilities authorized .....	19
95.999 Penalty .....	19

#### GENERAL PROVISIONS

##### §95.001 SCOPE.

[A] This chapter shall be effective within and upon the area designated as the Forsyth Village Park.

[B] Any requirement or provisions of this chapter relating to any act shall respectively extend to and include the causing, procuring, aiding, or abetting, directly or indirectly, of the act; of the permitting or the allowing of any unemancipated minor the doing of any willful or malicious act prohibited by the provisions of this chapter by the parent or legal guardian of the minor.

[C] No provision of this chapter shall make unlawful any act necessarily performed by any officers or employees of the village in the line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the Board of Trustees.

[D] Any act otherwise prohibited by this chapter, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed within custodial quarters within the park or if performed under, by virtue of, and strictly in compliance with the provisions of a permit and to the extent authorized thereby.

[Ord. 312, passed 11-3-86]

##### §95.002 SUPPLEMENTAL REGULATIONS.

This chapter is in addition to and supplemental to all municipal, state, and federal laws and ordinances. The meaning of any term not otherwise defined in

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BROADCAST TECHNICAL CONSULTANTS  
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Kankakee, Illinois 60901

EXHIBIT 2

